

REMARKS

This amendment is in response to the Official Action dated March 22, 2005. Claims 10 and 15 have been amended. Claims 10-15 remain in the application with Claim 10 being the only independent claim. Favorable reconsideration, in view of the above amendments and accompanying remarks, is respectfully requested.

In paragraph 3 of the Official Action, the Examiner has rejected Claims 10-13 under the provisions of 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,472,068 to Weiler et al. These rejections are respectfully traversed in light of the amendments to the claims.

As amended, Claim 10 now defines the invention as a cast brake caliper adapted for use in a disc brake assembly including a cast brake caliper having an inboard leg portion and an outboard leg portion which are interconnected by an intermediate bridge portion, the brake caliper having a pair of locating surfaces provided on the inboard leg portion and a locating surface provided on the outboard leg portion, the locating surfaces defining datum surfaces for determining one or more planes of the brake caliper for subsequent machining of selected surfaces of the brake caliper to predetermined tolerances; wherein the pair of locating surfaces provided on the inboard leg portion and the locating surface provided on the outboard leg portion are integrally formed by a core member of a casting apparatus during the casting of the brake caliper. None of the cited references, alone or in combination, discloses or suggests such an assembly as now defined in Claim 1.

Specifically, Weiler et al. does not disclose or suggest a cast brake caliper “having a pair of *locating surfaces* provided on the inboard leg portion and a locating surface provided on the outboard leg portion, *the locating surfaces defining datum surfaces for determining one or more planes of the brake caliper for subsequent machining of selected surfaces of the brake caliper to predetermined tolerances*”, as recited in Claim 1 (emphasis added). Also, there is no discussion or suggestion in Weiler et al. that “the pair of locating surfaces provided on the inboard leg portion and the locating surface provided on the outboard leg portion are *integrally formed by a core member* of a casting apparatus during the casting of the brake caliper”, as recited

in Claim 1 (emphasis added). In fact, there are no details or discussion at all in Weiler et al. about how the brake caliper is formed, for example, whether a mold and/or a core is used in the process of forming the brake caliper.

The benefit of using the core to form the locating surfaces in the present invention is discussed in the specification on page 14, starting at line 15 where it states “One advantage of the present invention is that the surfaces 130, 132, 134, 146 and 148 of the caliper 100 of this invention are accurately and reliably formed. This is due to the fact that the core 166 is operative to form the surfaces 130, 132, 134, 146 and 148. As a result of this, the surfaces 132 and 134 on the caliper 100 are spaced apart a predetermined distance D1, as shown in Fig. 15, and the surface 130 is spaced apart from the surfaces 132 and 134 a predetermined distance D2. Thus, even if there is slight shifting of the core 166 in the mold 162, since the core 166 determines and forms the surfaces 130, 132, 134, 146 and 148, the location of these surfaces is not affected. In the prior art caliper 10 or 10’, since the mold 62 was operative to form the surfaces 30, 32, 34 and 35, any shifting or movement of the mold would affect the resultant location of these surfaces. Also, since the core 166 (which is destructible or consumable), includes the extension which is effective to produce the conical recess 130 in the brake caliper 100, the caliper 100 can be produced using either a vertical or horizontal split line casting process. In the prior art brake caliper 10 or 10’, since the mold 62 (which is permanent or non-consumable), included the extension 70 to produce the conical recess 30 in the prior art cast brake caliper 10 or 10’, the prior art brake caliper 10 or 10’ could be produced using only a horizontal split line casting process (i.e., could not remove the prior art brake caliper 10 or 10’ from the permanent mold 62 if a vertical split line casting process was attempted to be used because the cast part would be stuck in the mold in a “mold lock” situation).” Accordingly, it is believed that Claim 10, along with dependent Claims 11-15, are patentable over the cited references.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for

allowance, or if the Examiner has any comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.